

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

KEVIN HOULE AND HARVEY REESE, and  
T.H., by his next friend, ROSE HOULE,  
A.R., by her next friend, TONJA PARKER,

Case Numbers: 09-10504  
09-10535

Plaintiffs,

HON. MARIANNE O. BATTANI

v.

BARBARA SAMPSON, chair of the  
Michigan Parole Board, and the nine board  
members: JAMES ATTERBERRY, MIGUEL  
BERRIOS, CHARLES BROWN, PAUL  
CONDINO, STEPHEN DEBOER, ARTINA  
HARDMAN, ANTHONY KING, DAVID  
KLEINHARDT, AND LAURIN THOMAS, in  
their official capacities,

Defendants.

**ORDER DENYING DEFENDANTS' MOTIONS TO DISMISS AND ADJOURNING  
PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION**

This matter is before the Court on Defendants' Motions to Dismiss (09-10504 doc. 25; 09-10535 doc. 21), and Plaintiffs' Motions for Preliminary Injunction (09-10504 doc. 9; 09-10535 doc. 8). For the reasons discussed on the record at a hearing held on June 3, 2009,

The Court **DENIES** both of Defendants' Motions to Dismiss.<sup>1</sup>

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<sup>1</sup> In a separate order issued on this date, the Court dismissed Plaintiffs Harvey Reese and A.R. from the case *sua sponte* because their claims were moot.

In addition, the Court **ADJOURNS** both of Plaintiffs' Motions for Preliminary Injunction. A hearing on these motions will be held on **Monday, August 17, 2009 at 2:30 p.m.**<sup>2</sup> The parties may perform discovery through August 7, 2009. Defendants may file an additional brief by August 3, 2009, and Plaintiffs may file an additional brief by August 12, 2009.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2009

### **CERTIFICATE OF SERVICE**

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt  
Deputy Clerk

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<sup>2</sup> The parties should note that this hearing has been moved from the original August 26, 2009, date.